



April 5, 2023

Kari Parsons, Project Manager
El Paso County Development Services Department
Sent via online portal at: <https://epcdevplanreview.com/Agencies/Home>

Re: Retreat at TimberRidge Filing 4 (AKA Timber Ridge Estates)
File #: SF1827
Part of SW1/4 of Sec. 22, Twp. 12S, Rng. 65W, 6th P.M.
Water Division 2, Water District 10
CDWR Assigned Subdivision No. 25205 - 2nd Letter

Dear Kari Parsons:

We have received the above-referenced proposal to subdivide a 34.47-acre parcel into 10 single-family lots and 1 tract for water detention. All the lots will be approximately equal in size with the majority of lots being $2.5 \pm$ acres and the largest two lots being $5.0 \pm$ acres. The proposed source of water supply will be provided by the Falcon Area Water and Wastewater Authority (FAWWA). This letter supersedes our comments provided in the letter dated October 9, 2018.

Water Supply Demand

The proposed water requirement is estimated to be 0.353 acre-feet/lot for a single-family residence and anticipated turf grass landscaping. The total demand for all ten lots in the subdivision is 3.53 acre-feet/year.

Source of Water Supply

The proposed source of water supply is service provided by the Falcon Area Water and Wastewater Authority (FAWWA). No letter of commitment from FAWWA was included with the referral materials. However, the Water Resources Report (“Report”) prepared by RESPEC, dated February 20, 2024, indicates that the anticipated demand is 0.353 acre-feet per lot for a total of 3.53 acre-feet/year for all uses at the site.

According to the Report, FAWWA has a total of 1040.29 acre acre-feet/year of commitment. According to the Report, there are 921.94 acre-feet/year of uncommitted supply available to FAWWA based on our estimate of 1,929.85 acre-feet/year of supply available to FAWWA. Therefore, there appears to be more than sufficient legal supply to supply this development on a 300-year basis.

The proposed source of water for this subdivision is bedrock aquifers in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. The Denver Basin water rights adjudications have been decreed by the State of Colorado, Water Division 1 District Court, Water Division 2 District Court, and the Colorado Groundwater Commission. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Additionally, according to 37-90-107(7)(a), C.R.S., “Permits issued pursuant to this subsection (7) shall allow withdrawals on the basis of an aquifer life of 100 years.” Based on this allocation approach, the annual amounts of water allocated in the determinations are equal to one percent of the total amount, as determined by rule 5.3.2.1 of the Designated Basin Rules, 2 CCR 410-1.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:



“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on 300 years, the allowed average annual amount of withdrawal would be reduced to one third of that amount which is greater than the annual demand of FAWWA’s commitments. As a result, the water may be withdrawn in those annual amounts for 300 years.

Additional Comments

The application materials indicate that a storm water detention pond will be constructed as a part of this project. The applicant should be aware that unless the structure can meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., the structure may be subject to administration by this office. The applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at.

State Engineer’s Office Opinion

Based upon the above and pursuant to section 30-28-136(1)(h)(I) and 30-28-136(1)(h)(II), C.R.S., the State Engineer’s Office has not received enough information to render an opinion regarding the potential for causing material injury to decreed water rights, or the adequacy of the proposed water supply. **Prior to further review of the subdivision water supply plan the following information is required:**

1. A letter of commitment from FAWWA confirming the reservation of water for the above mentioned subdivision should be provided. The commitment should be equal to or greater than the anticipated demand of 3.53 acre-feet/year.

Please contact me at Ivan.Franco@state.co.us or (303) 866-3581 x8243 with any questions.

Sincerely,



Ivan Franco, P.E.
Water Resource Engineer

Ec: FAWWA file